

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
MONDAY, MAY 3, 2010**

PRESENT: Jeannie Bush, Janice Boeck, Howard Twait (joined at 9:37), Rod Gottfredson, Jeffrey Patterson, Cheryl Pearce, Laura Ruiz, Tina Rettler-Pagel (arrived at 9:50) and Susan Kolve-Feehan

STAFF: Angela Arrington, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant and other DRL Staff.

GUESTS: Marvin Lushing, Vici Beauty School; Barb McCormick, Southwest Technical College; Mary Kardoskee; Mary Kiley; Diane Pandl, Institute of Beauty & Wellness; JoAnn Schneider, Empire Education Group; Tia Lea Spangler and Anthony Norris, Sue Kolve Salon Spa; Sharon Frenz, Fusion Hair & Nail Studio; Penny Nelson, Salon Professional Academy; Vijay T, Gino's; Sandy Brietzman and Haveezah Ahmed, Department of Workforce Development; and Andrew Schumacher, Salan Management, Inc.

CALL TO ORDER

Chair Jeannie Bush called the meeting to order at 9:35 a.m. A quorum of 8 members was present.

APPROVAL OF AGENDA

Additions to Agenda

- Page 16 a – missing page from the rule up for public hearing
- Information from the Secretary related to Licensure Changes for Barbering, Hair Braiding & Natural Hair Styling
- Jeannie Bush asked to include an update form the Board Chair.

MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearce, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 1, 2010

MOTION: Susan Kolve moved, seconded by Janice Boeck, to approve the Minutes of February 1, 2010 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Angela Arrington introduced herself as the Bureau Assistant and noted that Yolanda McGowan has transitioned to the position of Legal Counsel. Ms. Arrington also provided a staffing update noting that several vacancies have been filled.

She also reported that the department is working to revive the regulatory digests. She also briefly reviewed the Late-Ad Policy that was included in the agenda packet. The Chair appointed Susan Kolve-Feehan as the Continuing Education Liaison.

Ms. Arrington reported on the Barbering and Cosmetology Curriculum Committee that has been developed based in information received at the recent education meeting held at the Department. The first meeting for this committee will be held on June 7.

Secretary Jackson noted that the online registration will be translated into three languages. The actual brochure was sent only in English. There will be many translations in Spanish and Vietnamese for the summit. It is expected that vendors will also be able to set up booths for their supplies/services. There was much discussion surrounding the details of the upcoming summits. The Department is still working out the details and will keep the Board and licensees informed using the website and direct mail either by e-mail or post. There is a marketing plan in place and registration will go live the week of May 10, 2010.

Secretary Jackson noted that the information related to continuing education will be included in the regulatory digest. She also noted the regulatory digest might be included on the flash drive that attendees at the summit will receive as part of their participation package. She told the Board that the regulatory digest would only be available in an electronic format.

CHAIR UPDATE JEANNIE BUSH

Jeannie Bush reported that there are many issues that the sanitation committee still needs to address. She also asked the board to review the agenda packets and formulate any questions related to the information prior to the board meeting.

Susan Kolve-Feehan suggested that the curriculum committee could possibly address some of the issues outlines by Ms. Bush.

Ms. McGowan suggested that this Board needs to determine what issues need to be addressed along with assigning a priority to those issues. She also suggested that the curriculum committee scope be defined as to allow them to address some of the rule changes as well. Ms. Arrington indicated that rule writing is part of the curriculum committee. Scopes currently lingering include:

- Rule related to the use of household bleach
- Rule related to Fraud
- Rule related to PSI for autoclave
- Rule related to Discrimination
- Rule related to Electology and Infection committee.
- Rule related to Unlicensed Practice.

Ms. Arrington indicated that the Curriculum Committee will be meeting on 5/17 and will begin by setting priorities for the committee.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

Attorney Arthur Thexton presented the Proposed Stipulation, Final Decision and Order in the matters of David J. Barnes and Carolyn J. Sutter (06 BAC 091). Deliberation will be in closed session.

Investigator Michelle Krisher presented the Proposed Stipulation, Final Decision and Order in the matter of Kevin M. Pham and Ly Ly Nail Spa (08 BAC 243). Deliberation will be in closed session.

Investigator Michelle Krisher presented the Proposed Stipulation, Final Decision and Order in the matter of Colleen A. Mijal (09 BAC 034). Deliberation will be in closed session.

PUBLIC HEARING ADMINISTRATIVE RULES RELATING TO EXAMINATIONS FOR BARBERS AND COSMETOLOGISTS, AESTHETICIANS, ELECTROLOGISTS, MANICURISTS AND MANAGERS

The Board noted that the proposed rule does not apply to the licensed instructors.

Public Comments:

Marvin Rushing asked about the minimum passing score difference between the licensee and the apprentice. Ms. McGowan indicated that the rule has been rewritten to allow the Board the flexibility to modify the scoring aspect to ensure that someone failing 2/3 of the exam would not receive a license.

LEGISLATIVE/ADMINISTRATIVE RULES

Ms. McGowan noted that before the Board can address the “how” of the testing the rule must be adopted by the legislature. Pamela Haack, Department Rule Paralegal, reviewed the rule making process with the Board. The discussion related to this rule was tabled until the next meeting.

REGULATION/ENFORCEMENT ISSUES

Forfeiture Guide – Repeat Offense

Jeannie Bush asked if the Board would consider a tiered forfeiture for repeated failure to renew by the renewal deadlines. This item will be discussed at the next Board meeting.

Discussion of New Model Language for Board Orders and Request for Delegation of Related Authority to Department Monitor

Ms. McGowan explained that his process will formalize the current practice of the Department.

MOTION: Cheryl Pearse moved, seconded by Janice Boeck, to grant to the department monitor the authority as requested on page 26 of the agenda packet. Motion carried unanimously.

Discussion Related to Proposed Barbering/Cosmetology Statutory and Rule Changes

Lydia Thompson, Division of Enforcement, discussed proposed changes to the licensing for Barbering and Cosmetology. She distributed a handout that outlined the proposed changes. Janice Boeck noted that several of the items have different names but mean the same thing. It was noted that there would be different tests, based on curriculum, for the different licenses. Ms. McGowan reminded the Board that it is the charge of the Board to determine the education and/or experience necessary whereby the public can be confident that licensees have a standard of minimal competency with respect to their individual license. Secretary Jackson noted that the heart of the matter is providing license opportunities, for those currently practicing without a license, for the work that they are currently performing.

After much discussion, it was decided that questions relating to the licenses that would create a pathway for those currently practicing without a license or wishing to enter the profession, to obtain licensure for only those services which they choose to provide

Discussion Related to Working Outside of a Licensed Establishment

Ms. McGowan noted that this was previously a standing agenda item. Ms. McGowan indicated that the Board has many outstanding Scope Statements and many other hot plate items. It was suggested that we consider policy, rule and statute issues that need to be addressed and prioritize the items at the next Board meeting. She also noted that the Board needs to take a position on certain items to provide guidance for the Division of Enforcement.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Ms. Arrington noted that the NIC has a survey form. She suggested that we consider hosting the annual conference and will be requesting an application packet for that purpose.

PRACTICE ISSUES

Update from Sanitation Committee

Jeffrey Patterson updated the Board on the discussion that occurred in the Sanitation Committee this morning.

Review and Discuss Request to Change 454.01(5)(d) Related to Definition of “Barbering and Cosmetology”

This will be addressed at the next meeting. Ms. McGowan also asked about licensure requirements for threading.

MOTION: Laura Ruiz moved, seconded by Susan Kolve-Feehan, to allow aestaticians, as part of their scope of practice as defined in 454.01 (2) waxing and threading upon completion of adequate training. Motion carried. Rod Gottfredson abstained.

MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearse, that until December 31, 2011, to adopt the position that the Board will not enforce against electrologists who perform waxing services pursuant to BC 4.08. Motion carried. Rod Gottfredson abstained.

EDUCATION AND EXAM ISSUES

Discussion Related to Courses Allowed as Safety, Sanitation and Infection Control for Continuing Education Purposes.

MOTION: Cheryl Pearse moved, seconded by Howard Twait, to designate authority to the Continuing Education Liaison to act on behalf of the board to as it relates review and approval Continuing Education courses and programs. Motion carried unanimously.

MOTION: Sue Kolve-Feehan moved, seconded by Laura Ruiz, to adopt the 2010-2011 Barbering and Cosmetology Law Curriculum as presented at today’s meeting. Motion carried unanimously.

Ms. McGowan indicated that she had worked with the CE specialist to develop a baseline for discussion of the curriculum for the continuing education law requirement. CE providers that are not specifically approved must submit an application for approval.

MOTION: Tina Rettler-Pagel moved, seconded by Laura Ruiz, to accept 50 minutes of instruction as constituting 1 Continuing Education hour. Motion carried unanimously.

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredson, to approve and adopt the language related to the definition of ~~S~~afety, Sanitation and Infection Control included on page 98 of the agenda packet. Motion carried unanimously.

TRAVEL

None.

PUBLIC COMMENTS

Mary Kordoskee	Ms. Kordoskee indicated that there is going to be a greater number of unlicensed practice cases if licenses are split. She also commented that she is bothered with the “cultural specialist” term used in Natural Hair Styling proposal. She does not agree with splitting the license.
Anthony Norris	Mr. Norris told the Board that he only wanted to cut hair when he was in school but once he completed school, he was glad that he had the additional education. He felt that he would have cut himself short had he gone for the lesser license.
Sharon Frenz	Ms. Frenz is a licensed manicurist. She noted that the profession and professionalism has been diluted. The manicurist needs to know the information. They need only use the information that they choose to use. She asked for a clarification of the renewal fee schedule. She noted that the renewal fee for the manicurist is greater than that of dentists, massage therapists, cosmetologists and many others. She also indicated that she would be willing to serve the Board in any capacity.
Hafeetzah Ahmed	Ms. Ahmed asked that the Board to quit bashing the apprenticeship program. She told the Board that they need to develop a means by which they draw the unlicensed practitioners out of the basements and back rooms into licensure. She suggested that the Board fine violators more for each additional occurrence of the same type.
Penny Nelson	Ms. Nelson is concerned about the number of hours required to become a natural hair stylist and that the requirement may not be high enough.
Diane Handle	She told the Board that she teaches her students personal relation skills and that may not occur in the shorter courses.

CONVENE TO CLOSED SESSION

MOTION: Rod Gottfredson moved, seconded by Jeffrey Patterson, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jeannie Bush – yes; Janice Boeck – yes; Jeffrey Patterson – yes; Susan Kolve-Feehan – yes; Tina Rettler-Pagel – yes; Laura Ruiz – yes; Howard Twait – yes; Rod Gottfredsen- yes;. Motion carried unanimously.

Open Session recessed at 2:40 p.m.

RECONVENE IN OPEN SESSSION

MOTION: Rod Gottfredson moved, seconded by Howard Twait, to reconvene in open session at 3:00 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MONITORING

MOTION: Howard Twait moved, seconded by Susan Kolve Feehan, to deny requests for modification of the Board Order from Laurie Lewis, Johnny Santiago, Shay Benitez and Colleen Kloske and issue and order suspending the licenses where allowed by the original order. Motion carried unanimously.

CASE CLOSINGS

MOTION: Janice Boeck moved, seconded by Susan Kolve Feehan, to approve case closings and citations 07 BAC 129, 07 BAC 151, 08 BAC 001, 08 BAC 015, 08 BAC 084, 09 BAC 003, 09 BAC 043, 09 BAC 048, 09 BAC 053, 09 BAC 082, 09 BAC 091, 09 BAC 092 and 09 BAC 095 according to recommendations by the Division of Enforcement. Motion carried unanimously.

PROPOSED STIPULATIONS

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning David J. Barnes (06 BAC 091), Carolyn J. Sutter (06 BAC 091), Kevin M. Pham (08 BAC 243) and Colleen Kloske (09 BAC 034). Motion carried unanimously.

PROPOSED DECISIONS

MOTION: Tina ~~Rettler~~ Rettler-Pagel moved, seconded by Jeffrey Patterson, to issue the Administrative Warning in the matter of 09 BAC 024. Motion carried unanimously.

ADJOURNMENT

MOTION: Janice Boeck moved, seconded by Rod Gottfredson, to adjourn the meeting at 3:02 p.m. Motion carried unanimously.

Next Meeting June 7 – Tina Rettler-Pagel will not be able to attend.